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Sieva Networks, Inc. d/b/a Matrack

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**SOCIAL POSITIONING INPUT
SYSTEMS, LLC,**

Plaintiff,

v.

**SIEVA NETWORKS, INC. d/b/a
MATRACK,**

Defendant.

Case No. 5:21-CV-07526-LHK

**DEFENDANT SIEVA NETWORKS,
INC. d/b/a MATRACK'S ANSWER,
AFFIRMATIVE DEFENSES, AND
COUNTERCLAIMS TO
PLAINTIFF'S COMPLAINT**

1 Defendant Sieva Networks, Inc. d/b/a Matrack (“Sieva Networks” or
2 Defendant”) files this Answer, Affirmative Defenses, and Counterclaims to Plaintiff
3 Social Positioning Input Systems, LLC’s (“Plaintiff” or “Social Positioning”)
4 Complaint for Patent Infringement (“Complaint”). Sieva Networks denies the
5 allegations and characterizations in Plaintiff’s Complaint unless expressly admitted
6 in the following paragraphs.¹

7 **PARTIES AND JURISDICTION**

8 1. Sieva Networks admits that the Complaint purports to set forth an
9 action for infringement under the Patent Laws of the United States, 35 U.S.C. § 1,
10 *et seq.*

11 2. Sieva Networks admits that this Court has subject matter jurisdiction
12 over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

13 3. Sieva Networks is without knowledge or information sufficient to
14 form a belief as to the truth of the allegations in Paragraph 3 of the Complaint and,
15 on that basis, denies all such allegations.

16 4. Sieva Networks admits the allegations in Paragraph 4 of the
17 Complaint.

18 5. Sieva Networks does not contest that the Court has personal
19 jurisdiction over it in this case. Sieva Networks admits that it conducts business in
20 the State of California. Sieva Networks denies it has committed or is committing
21 acts of infringement within this district or elsewhere and, on that basis, denies the
22 remaining allegations of Paragraph 5 of the Complaint.

23 6. Sieva Networks admits that it has used, imported, offered for sale, or
24 sold instrumentalities in this District. Sieva Networks denies it has committed or is

25
26 ¹ For avoidance of doubt, Sieva Networks denies liability for all allegations of patent
27 infringement included or implied in the introductory paragraph or in any headings
28 of the Complaint.

1 committing acts of infringement within this district or elsewhere and, on that basis,
2 denies the remaining allegations of Paragraph 6 of the Complaint

3 **VENUE**

4 7. Sieva Networks does not contest that venue is proper in this case, but
5 denies that venue is convenient.

6 **COUNT I**

7 **(ALLEGED) INFRINGEMENT OF UNITED STATES PATENT NO.**

8 **9,261,365**

9 8. Sieva Networks incorporates paragraphs 1 through 7 herein by
10 reference.

11 9. Sieva Networks admits that the Complaint purports to set forth an
12 action for infringement under the Patent Laws of the United States, 35 U.S.C. §§
13 271, *et seq.*

14 10. Sieva Networks is without knowledge or information sufficient to
15 form a belief as to the truth of the allegations in Paragraph 10 of the Complaint
16 and, on that basis, denies all such allegations.

17 11. Sieva Networks admits that a purported copy of U.S. Patent No.
18 9,261,365 (the “’365 Patent”) is attached to the Complaint as Exhibit A and that
19 the face of that patent indicates that it is entitled “Device, System and Method for
20 Remotely Entering, Storing and Sharing Addresses for a Positional Information
21 Device.”

22 12. Sieva Networks denies the allegations in Paragraph 12 of the
23 Complaint.

24 13. Sieva Networks denies the allegations in Paragraph 13 of the
25 Complaint.

26 14. Sieva Networks denies the allegations in Paragraph 14 of the
27 Complaint.

1 15. Sieva Networks denies the allegations in Paragraph 15 of the
2 Complaint.

3 16. Sieva Networks denies the allegations in Paragraph 16 of the
4 Complaint.

5 17. Sieva Networks denies the allegations in Paragraph 17 of the
6 Complaint.

7 18. Sieva Networks denies the allegations in Paragraph 18 of the
8 Complaint.

9 19. Sieva Networks denies the allegations in Paragraph 19 of the
10 Complaint.

11 20. Sieva Networks denies the allegations in Paragraph 20 of the
12 Complaint.

13 21. Sieva Networks is without knowledge or information sufficient to form
14 a belief as to the truth of the allegations in Paragraph 21 of the Complaint and, on
15 that basis, denies all such allegations
16

17 **[PLAINTIFF’S] DEMAND FOR JURY TRIAL**

18 Sieva Networks is not required to provide a response to Plaintiff’s demand
19 for a trial by jury.

20 **[PLAINTIFF’S] PRAYER FOR RELIEF**

21 Sieva Networks denies the Plaintiff is entitled to any relief from Sieva
22 Networks and denies all the allegations contained in Paragraphs (a)-(e) (including
23 any subparts) of Plaintiff’s Prayer for Relief.

24 **AFFIRMATIVE DEFENSES**

25 Sieva Networks’s Affirmative Defenses are listed below. Sieva Networks
26 reserves the right to amend its answer to add additional Affirmative Defenses
27 consistent with the facts discovered in this case.
28

FIRST AFFIRMATIVE DEFENSE

Sieva Networks has not infringed and does not infringe, under any theory of infringement (including directly (whether individually or jointly) or indirectly (whether contributorily or by inducement)), any valid, enforceable claim of the '365 Patent.

SECOND AFFIRMATIVE DEFENSE

Each asserted claim of the '365 Patent is invalid for failure to comply with one or more of the requirements of the United States Code, Title 35, including without limitation, 35 U.S.C. §§ 101, 102, 103, and 112, and the rules, regulations, and laws pertaining thereto.

THIRD AFFIRMATIVE DEFENSE

To the extent that Plaintiff and any predecessors in interest to the '365 Patent failed to properly mark any of their relevant products or materials as required by 35 U.S.C. § 287, or otherwise give proper notice that Sieva Networks's actions allegedly infringe the '365 Patent, Sieva Networks is not liable to Plaintiff for the acts alleged to have been performed before Sieva Networks received actual notice that it was allegedly infringing the '365 Patent.

FOURTH AFFIRMATIVE DEFENSE

To the extent that Plaintiff asserts that Sieva Networks indirectly infringes, either by contributory infringement or inducement of infringement, Sieva Networks is not liable to Plaintiff for the acts alleged to have been performed before Sieva Networks knew that its actions would cause indirect infringement.

FIFTH AFFIRMATIVE DEFENSE

The claims of the '365 Patent are not entitled to a scope sufficient to encompass any system employed or process practiced by Sieva Networks.

SIXTH AFFIRMATIVE DEFENSE

To the extent Plaintiff contends that it alleges a claim for indirect infringement (whether by inducement or contributorily), Plaintiff has failed to state a claim upon which relief can be granted.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's Complaint fails to state a claim upon which relief can be granted because the '365 Patent does not claim patent eligible subject matter under 35 U.S.C. § 101.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff's Complaint fails to state a claim upon which relief can be granted because, among other things, Plaintiff has not stated a plausible allegation that any system employed by Sieva Networks practices: "sending a request from a requesting positional information device to a server for at least one address stored in at least one sending positional information device, the request including a first identifier of the requesting positional information device"; and "receiving at the requesting positional information device, from the server, a retrieved at least one address to the requesting positional information device wherein the server determines a second identifier for identifying the at least one sending positional information device based on the received first identifier and retrieves the requested at least one address stored in the identified at least one sending positional information device"; as required by Claim 1 of the '365 Patent.

NINTH AFFIRMATIVE DEFENSE

Plaintiff is estopped, based on statements, representations, and admissions made during prosecution of the patent application resulting in the asserted patent, from asserting any interpretation of any valid, enforceable claims of the '365 Patent that would be broad enough to cover any accused product alleged to infringe the asserted patent, either literally or by application of the doctrine of equivalents.

1 **TENTH AFFIRMATIVE DEFENSE**

2 Plaintiff’s claims for damages are statutorily limited or barred by 35 U.S.C.
3 §§ 286 and 287. Plaintiff is further barred under 35 U.S.C. § 288 from recovering
4 costs associated with its action.

5 **ELEVENTH AFFIRMATIVE DEFENSE**

6 Plaintiff is precluded from recovering its reasonable attorney’s fees, costs,
7 and or increased damages under 35 U.S.C. §§ 284 or 285.

8 **TWELFTH AFFIRMATIVE DEFENSE**

9 Should Sieva Networks be found to infringe any valid, enforceable claim of
10 the ’365 Patent, such infringement was not willful.

11 **SIEVA NETWORKS’S COUNTERCLAIMS**

12 For its counterclaims against Plaintiff Social Positioning Input Systems,
13 LLC (“Social Positioning”), Counterclaim Plaintiff Sieva Networks Inc. d/b/a/
14 Matrack (“Sieva Networks”), alleges as follows:

15 **PARTIES**

16 1. Counterclaim Plaintiff Sieva Networks is a corporation organized
17 and existing under the laws of Delaware that maintains its principal place of
18 business at 2481 Deerwood Dr., Suite 108, San Ramon, CA 94583.

19 2. Upon information and belief based solely on Paragraph 1 of the
20 Complaint as pled by Plaintiff, Counterclaim Defendant Social Positioning Input
21 Systems, LLC is a limited liability company organized and existing under the laws
22 of Texas that maintains its principal place of business at 1 East Broward
23 Boulevard, Suite 700, Ft. Lauderdale, FL 33301.

24 **JURISDICTION**

25 3. Sieva Networks incorporates by reference Paragraphs 1–2 above.

26 4. These counterclaims arise under the patent laws of the United States,
27 Title 35, United States Code. The jurisdiction of this Court is proper under at least
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35 U.S.C. § 271 *et seq.*, and 28 U.S.C. §§ 1331, 1338, 1367, and 2201–02.

5. Social Positioning has consented to the personal jurisdiction of this Court at least by commencing its action for patent infringement in this District, as set forth in its Complaint.

6. Based solely on Social Positioning’s filing of this action, venue is proper for purposes of these counterclaims in this District pursuant at least 28 U.S.C. §§ 1391 and 1400.

COUNT I

**DECLARATION REGARDING NON-INFRINGEMENT OF THE ’365
PATENT**

7. Sieva Networks incorporates by reference Paragraphs 1–6 above.

8. Based on Social Positioning’s filing of this action and at least Sieva Networks’s first affirmative defense, an actual controversy has arisen and now exists between the parties as to whether Sieva Networks infringes U.S. Patent No. 9,261,365 (the “’365 Patent”).

9. Sieva Networks does not infringe at least Claim 1 of the ’365 Patent because, *inter alia*, Plaintiff has not stated a plausible allegation that any system employed by Sieva Networks practices: “sending a request from a requesting positional information device to a server for at least one address stored in at least one sending positional information device, the request including a first identifier of the requesting positional information device”; and “receiving at the requesting positional information device, from the server, a retrieved at least one address to the requesting positional information device wherein the server determines a second identifier for identifying the at least one sending positional information device based on the received first identifier and retrieves the requested at least one address stored in the identified at least one sending positional information device.”

10. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201

1 *et seq.*, Sieva Networks requests a declaration by the Court that Sieva Networks
 2 has not infringed and does not infringe any claim of the '365 Patent under any
 3 theory (including directly (whether individually or jointly) or indirectly (whether
 4 contributorily or by inducement).

5 **COUNT II**

6 **DECLARATION REGARDING INVALIDITY**

7 11. Sieva Networks incorporates by reference Paragraphs 1–10 above.

8 12. Based on Social Positioning's filing of this action and at least Sieva
 9 Networks's Second Affirmative Defense, an actual controversy has arisen and now
 10 exists between the parties as to the validity of the claims of the '365 Patent.

11 13. On information and belief, the claims of the '365 Patent are invalid
 12 for failure to comply with one or more of the requirements of United States Code,
 13 Title 35, and the rules, regulations, and laws pertaining thereto.

14 14. For example, as explained in Sieva Networks's Motion to Dismiss
 15 pursuant to Fed. R. Civ. P. 12(b)(6), incorporated by reference herein, the '365
 16 Patent is invalid for failure to comply with 35 U.S.C. § 101. As explained, the '365
 17 Patent claims nothing more than an abstract idea, and it fails to claim an inventive
 18 concept.

19 15. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201
 20 *et seq.*, Sieva Networks requests a declaration by the Court that the claims of the
 21 '365 Patent are invalid for failure to comply with one or more of the requirements
 22 of United States Code, Title 35, including without limitation, 35 U.S.C. §§ 101, 102,
 23 103, and 112, and the rules, regulations, and laws pertaining thereto.

24 16. Sieva Networks does not have an adequate remedy at law.

25 **PRAYER FOR RELIEF**

26 WHEREFORE, Sieva Networks asks this Court to enter judgment in Sieva
 27 Networks's favor and against Social Positioning by granting the following relief:
 28

- 1 a) a declaration that the '365 Patent is invalid;
- 2 b) a declaration that Sieva Networks does not infringe, under any
- 3 theory, any valid claim of the '365 Patent that may be enforceable;
- 4 c) a declaration that Social Positioning take nothing by its Complaint;
- 5 d) judgment against Social Positioning and in favor of Sieva Networks;
- 6 e) dismissal of the Complaint with prejudice;
- 7 f) a finding that this case is an exceptional case under 35 U.S.C. § 285
- 8 and an award to Sieva Networks of its costs and attorneys' fees incurred in this
- 9 action; and
- 10 g) further relief as the Court may deem just and proper.

11 **JURY DEMAND**

12 Sieva Networks hereby demands trial by jury on all issues.

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15 Dated: December 23, 2021

By: /s/ Rodeen Talebi
Rodeen Talebi

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